

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

BASIL W. AKBAR,	)	
Petitioner,	)	
	)	CIVIL ACTION No. 0:09-2338-DCN
vs.	)	
	)	<b><u>ORDER</u></b>
ANTHONY J. PADULA,	)	
Respondent.	)	
_____	)	

Petitioner Basil W. Akbar (“Akbar”) has filed A Motion Requesting A Certificate of Appealability pursuant to 28 U.S.C. § 2253(c)(2).

A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To meet this burden an applicant must show that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).<sup>1</sup>

Here, this court has previously concluded that Akbar’s claims are without merit. Akbar has raised no new arguments which cause the court to view the issues as debatable, conclude that the issues could have been resolved differently, or find that the issues raise questions which warrant further review. For the reasons stated in the October 19, 2009 order, this court finds that Petitioner has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C.

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<sup>1</sup>When the denial of relief is based upon procedural grounds, a certificate of appealability should issue if “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack*, 529 U.S. at 485.

§ 2253.

It is therefore **ORDERED**, for the foregoing reasons, that Akbar's Motion Requesting Certificate of Appealability is hereby **DENIED**.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'DNorton', written over a horizontal line.

**DAVID C. NORTON**  
**UNITED STATES DISTRICT JUDGE**

**Charleston, South Carolina**  
**August 27, 2010**